

G. R. S. IX-5]

Previous references.

1920.

(Courts)

File No. 12-20

Serial Nos. 1,

Later references.

P

GENERAL AND REVENUE SECRETARIAT

Serial Nos. *only one*

Part B for

July 1920.

SUBJECT.

*Circular instructions to the District
Magistrates regarding the submission
of cases for the issue of extradition
warrants*

GENERAL AND REVENUE SECRETARIAT.

(Comh)

NOTES.

File No. 12—20

FILE HEADING.

Circular Instructions to the District Magistrate regarding the submission of cases on the issue of abandoned tenants.

From

No.	Dated		Received
Diary No. }	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

12

Serial
No.

From Ch 253-19
" Mr. Secy.

A suitable circular may be drafted drawing the attention of Mr. Magistrate to the need for greater care in regard to extradition applications?

(Mr. Secy) C.S.D.
9/6/10

Extract II - From Ch 241-18 - re Extradition of Venkatesh.

Mr. Secy accused of dacoity in the Kolar Dt.

" Please put up draft of a Confidential Circular in general terms on the following lines:-

Applications for extradition warrants are made on insufficient evidence. Incorrect statements are made in applications and statements of cases. Necessary evidence is not fully recorded. Such instances are becoming frequent & cases have come to notice that the evidence is not properly scrutinized before applying for extradition warrants. Certain amount of carelessness is also noticed. Such applications involve unnecessary correspondence. Residency sometimes return the records observing that the evidence is insufficient & that there is no prima facie case.

Such cases not to occur in future. The enquiry to be as regular as a trial & all important evidence to be recorded & the Police to be asked to bestow proper care & attention in

Serial
No.

Such cases. District Magistrates to scrutinize the evidence ~~the evidence~~ & examine the records very carefully before moving Government. Since the Por. Govt. have to be moved for ~~the~~ extradition warrants, the records & the evidence should be as perfect as possible. Applications to be made only in such cases. -----

(h.o.) P.M.
6/7

1. Subd. with a draft Circular letter on the lines above indicated

hr Please get the circular typed
by 2 P.M. to-day
P.M. 14/7

Subd. with a typed circular by 12-30 P.M.

hr
14/7/20
P.M. 14/7

Draft Circular to Sd. Magistrate
is subd. for appb.

P.M. 14/7

Chief Secy

Subd. for appb.

Kind ref^{ce} is invited to the remarks of the Chief Secy in the limited file

P.M. 14/7

III Member

NOTE—Contn. sheet.

Please have the draft re-typed & then submit to Member.

Subd. with a typed draft is put up.

Issue-

P.M. 14/7

14/7

10/7

(4)

Serial
No.

1

to

The District Magistrates of Districts.

No. G. 1741-8 D. 23rd July 1920.

Issues a Confidential circular re: certain instructions for submission of cases for the issue of extradition warrants.

Subd. with a Porm. docket for having the Circular printed

R
29/7/20

J. S. S.

P. M.
31/7

Issued

CHIEF SECRETARY
PROTECTION BRANCH.
13 SEP 1920

Ch 12-20-1

Confidential.

(5)

Circular.

To

District Magistrates of Districts.

Sir,

Defend from
for refusal to issue many applications
recd ~~From many applications~~ for the extradition of

accused persons from British India that have --

~~recently come before Government, they report to~~

~~find that the instructions contained in G.O.No.~~

12094-303 J. 1104, dated the 24th February 1898,

are not being properly attended to. It has been

noticed that applications for extradition warrants

are made on insufficient grounds without properly

recording adequate evidence to prove all the -

ingredients of the offence sought to be made out

and that the available evidence is not properly

scrutinised before application ^{is made for the issue of extradition} warrants. In a

certain case a good deal of hearsay evidence was

recorded and relied upon to prove the main facts

of an occurrence. There ~~were~~ have also been

cases in which incorrect statements were made in

the memoranda of evidence accompanying the extra-

diction applications and the communications from

District Magistrates forwarding the applications,

In several cases it has been observed that the

enquiry was held in a very dilatory manner and that

the application was sent just a few days before

the period of 2 months during which an arrested

person ^{was} ~~is~~ detained in custody pending extradition.

All these circumstances have led to unnecessary

correspondence both with the District Magistrates

and the Residency and in some cases the applica-

tions have been infructuous.

2. Government are therefore obliged to -

reiterate the direction that the preliminary en-

81741-8

07 23/7/20

enquiry in all extradition cases should be as carefully conducted as ⁱⁿ a trial so that all necessary and important evidence available may be properly recorded by the Magistrate and with as little delay as possible.

The Police Officers concerned in the investigation should be asked to bestow proper care, attention and ~~expenditure~~ ^{time} in dealing with such ~~xxx~~ cases. The District Magistrates should also scrutinise the evidence and examine the records very carefully and satisfy themselves, before moving Government for the issue of extradition warrants, that a fair prima facie case exists, particular attention being given to the instructions contained in para 5 of the G.O. of 24th February 1898.

I have the honour etc.,

To Mr. 12/17 *For Chief Secretary to Government.*